

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of : Sparks, Adrian
Serial No. : 09/745,890
Filed : December 21, 2000
For : Load Sharing Nodes in a Network Utilising Shared Optical Protection
Examiner : Tran, Dzung D.
Art Unit : 2613
Customer number : 23644

RESPONSE TO OFFICE ACTION DATED JULY 26, 2007

Honorable Director of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This response is being filed in view of the Examiner's Office Action of July 26, 2007. No amendments are being offered since, as will be seen in a moment, it is believed that the reference being applied against the claims is excluded.

The Examiner has rejected claims 1-8 under 35 U.S.C. §103(a), with the primary reference cited by the Examiner being Elahmadi et al. U.S. Patent No. 6,735,392.

However, Elahmadi is owned by Nortel Networks, as is the present application (individual assignment recorded at various locations, including Reel 011643, Frame 0038 and Reel 011643, Frame 0023). Elahmadi qualifies as prior art only under 35 U.S.C. §102(e), and not 35 U.S.C. §102(a) or 35 U.S.C. §102(b). Since Elahmadi and the present application are commonly owned by

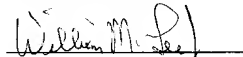
Nortel Networks Limited, Elahmadi is excluded as a reference under 35 U.S.C. §103(c)(1).

Accordingly, since Elahmadi is not a reference, and since the claims have been rejected only with Elahmadi being one of the cited references, it is submitted that the rejections of the Examiner in the Office Action of July 26, 2007 have been overcome, and the application is therefore in condition for allowance.

The Examiner's further and favorable reconsideration in that regard is urged.

October 25, 2007

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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